

IN THE SUPREME COURT OF THE STATE OF DELAWARE

AMIR FATIR,	§
	§ No. 767, 2010
Plaintiff Below-	§
Appellant,	§
	§ Court Below-Court of Chancery
v.	§ of the State of Delaware
	§ C.A. No. 5996
MARC NIEDZIELSKI,	§
DELAWARE DEPARTMENT OF	§
JUSTICE, EDWARD M.	§
McNALLY, and MORRIS JAMES	§
LLP,	§
	§
Defendants Below-	§
Appellees.	§

Submitted: February 1, 2011

Decided: March 4, 2011

Before **STEELE**, Chief Justice, **JACOBS** and **RIDGELY**, Justices.

ORDER

This 4th day of March 2011, upon consideration of the appellant's opening brief and the appellees' motion to affirm pursuant to Supreme Court Rule 25(a), it appears to the Court that:

(1) The plaintiff-appellant, Amir Fatir, a prison inmate, filed an appeal from the Court of Chancery's November 17, 2010 decision dismissing his complaint as factually and legally frivolous and malicious under Del. Code Ann. tit. 10, §8803(b) and ordering that any future filings

by Fatir be subject to the certification requirements of §8803(e).¹ The defendants-appellees, Marc Niedzielski, the Delaware Department of Justice, Edward M. McNally, and Morris, James LLC (the “appellees”), have moved to affirm the Court of Chancery’s judgment on the ground that it is manifest on the face of Fatir’s opening brief that his appeal is without merit.²

(2) We have carefully reviewed the submissions of the parties and the record below, and have concluded that affirmance is warranted on the basis of the Court’s Chancery’s well-reasoned, 17-page decision dated November 17, 2010. Because it is manifest on the face of the opening brief that the appeal is without merit, we also conclude that the appellees’ motion to affirm must be granted.

NOW, THEREFORE, IT IS ORDERED that the appellees’ motion to affirm is GRANTED. The judgment of the Court of Chancery is AFFIRMED.

BY THE COURT:

/s/ Henry duPont Ridgely
Justice

¹ The Court of Chancery also denied Fatir’s motion for reconsideration in an order dated December 7, 2010.

² Supr. Ct. R. 25(a).